

Representative Hynes of Marshfield moves to amend House, No. 4826 by striking out section 5 and section 6.

Representative Hynes of Marshfield moves to amend House, No. 4826 in section 8, in line 28, by inserting after the words “emancipated minor”, the following: “No person holding a junior operator’s license shall operate a motor vehicle without first securing and fastening the operator’s seatbelt and requiring that any and all passengers secure and fasten their own seatbelt. Any such junior operator who violates this seatbelt requirement shall have his junior operator’s license suspended for a period of one year and shall not be eligible to operate a motor vehicle for a period of one year, provided, however, that such suspension shall be imposed in addition to any other penalty, fine, suspension, revocation, or requirement that may be imposed for such violation.”

Representative Hynes of Marshfield moves to amend House, No. 4826 in section 4, in line 11, by inserting after the word “driver”, the following: “and who has held a junior operator’s license for at least six months”.

Ms. Atkins of Concord moves to amend H. 4826 by striking out section 6 and inserting in place thereof the following section: --

SECTION 6. Said section 8 of said chapter 90, as so appearing, is hereby further amended by striking out, in line 44, the words “and one-half”

Be it further amended by striking out section 11 and inserting in place thereof the following section: --

SECTION 11. Section 8B of said Chapter 90, as so appearing, is hereby amended by striking the word “sixteen” and inserting in place thereof the following word “fifteen”

Mr. Murphy of Lowell and Mr. Murphy of Burlington moves to amend House, No. 4826 by striking out section 6; and by striking out section 11 and inserting in place thereof the following section:-

"SECTION 11. Section 8B of said chapter 90, as so appearing, is hereby amended by striking out, in line 1, the word "sixteen" and inserting in place thereof the following figure:- 15 1/2."

Mr. Murphy of Lowell moves to amend House, No. 4826 by striking out section 3 and inserting in place thereof the following section:

"SECTION 3. Section 1 of chapter 90 of the General Laws, as so appearing, is hereby amended by inserting after the definition of 'Intersecting way' the following two definitions:-

'Junior operators' license plate', this license plate shall have the following characteristics and shall be displayed as follows:-

(a) it shall be identical to the current license plate only bright yellow and reflective;

(b) it shall be hung on both the front and rear of any vehicle upon which a junior operator, established under section 8 is registered; and

(c) it shall remain on the vehicle at all times as long as said junior operator is registered on the vehicle and maintains his status or until such time as said junior operator is no longer registered on the vehicle.

'Junior operator's supervised driving log', a form provided by the registry of motor vehicles, designated for the purpose of tracking supervised driving time for an operator holding a valid learner's permit issued pursuant to section 8B. Such form shall include the date of supervised driving, the duration of supervised driving, the name of the operator and the name, initials, and signature of the person supervising the operator."

Mr. Murphy of Lowell moves to amend House, No. 4826 by inserting before section 1 the following section:

"SECTION 1. Chapter 29 of the General Laws is hereby amended by inserting after section 2NNN the following section:-

Section 2000. There shall be established and set up on the books on the commonwealth a separate fund to be known as the Drivers' Education Trust Fund. Said fund shall consist of monies paid to the commonwealth pursuant to increased speeding fines for junior operators established under section 17 of chapter 90 and any interest or investment earnings on such monies. The state treasurer, ex officio, shall be the custodian of said fund and shall receive, deposit and invest all monies transmitted to him under the provisions of this section and shall credit interest and earnings on the fund to said fund. Funds collected pursuant to said section 17 shall be expended in consultation with the registry of motor vehicles without further appropriation for the purpose of increasing awareness for driver safety issues that most directly impact junior operators within the commonwealth."; and by inserting after section 13 the following section:

"SECTION 13A. Section 17 of said chapter 90, as so appearing, is hereby amended by adding the following sentence:- Any persons holding a junior operators license and is in violation of this section shall be subject to a fine of two times the amount currently in effect for the violation issued. Said fine shall be deposited equally into the Head Injury Trust Fund and the Drivers' Education Trust Fund, established by section 2000 of chapter 29."

Mr. Murphy moves to amend House, No. 4826 by striking out section 8 and inserting in place thereof the following section:-

"SECTION 8. Said section 8 of said chapter 90, as so appearing, is hereby further amended by striking out Lines 55 through 81 and inserting in place thereof the following three paragraphs:-

No person holding a junior operator's license shall operate a motor vehicle while a person under 18 years of age, other than the operator or an immediate family member of the operator, is present in such vehicle unless also accompanied by an operator, duly licensed by his state of residence, who is 21 years of age or over, who has had at least 1 year of driving experience and who is occupying a seat beside the driver and any such junior operator who violates the passenger restriction provided herein shall have his junior operator's license suspended for a period of 1 year and such junior operator shall be required to complete the State Courts Against Road Rage program, so-called, sponsored by the state courts and the department of the state police; provided, however, that such suspension shall be imposed in addition to any other penalty, fine, suspension, revocation or requirement that may be imposed for such violation. A junior operator whose license is suspended pursuant to this paragraph shall not be eligible for license reinstatement until he also completes a program selected by the registrar that encourages attitudinal changes in young drivers who have committed a violation of one or more motor vehicle laws and until he successfully completes a driving test as required by the registrar. The passenger restriction provided herein shall be tolled during any suspension or revocation of a person's junior operator's license. The registrar may exempt a junior operator from the passenger restriction provided herein if said junior operator is an emancipated minor.

No person holding a junior operator's license shall operate a motor vehicle between the hours of 12:00 a.m. and 5:00 a.m. unless accompanied by a parent or legal guardian. The holder of a junior operator's license shall have such license in his possession at all times when operating a motor vehicle and any such operator who violates the time restriction provided herein shall be deemed to be operating a motor vehicle without being duly licensed under this chapter. In addition to the penalty provided in section 10, the license of a junior operator deemed to be operating a

motor vehicle without being duly licensed shall be suspended for a period of 1 year and such junior operator shall be required to complete the State Courts Against Road Rage program, so-called, sponsored by the state courts and the department of the state police. A junior operator whose license is suspended pursuant to this paragraph shall not be eligible for license reinstatement until he also completes a program selected by the registrar that encourages attitudinal changes in young drivers who have committed a violation of one or more motor vehicle laws and until he successfully completes a driving test as required by the registrar.

No person holding a junior operator's license shall use a mobile telephone unless such mobile telephone is being used to summon emergency fire, police or medical assistance for an actual emergency. For the purposes of this section, a "mobile telephone" shall include, but not be limited to, a mobile telephone using cellular, analog, satellite, wireless or digital telephone technology, and capable of sending or receiving telephone communications. A violation of this paragraph shall be punished by a suspension of a junior operator's license for a period of 1 year and such junior operator shall be required to complete the State Courts Against Road Rage program, so-called, sponsored by the state courts and the department of the state police. It shall be an affirmative defense for a junior operator to provide documentary or other evidence that the mobile telephone call that is the basis of the alleged violation was made for the sole purpose of seeking emergency assistance. A junior operator whose license is suspended pursuant to this paragraph shall not be eligible for license reinstatement until he completes a program selected by the registrar that encourages attitudinal changes in young drivers who have committed a violation of one or more motor vehicle laws and until he successfully completes a driving test as required by the registrar. A violation of this paragraph shall not be considered a conviction of a moving violation of the motor vehicle laws for the purpose of determining surcharges on motor vehicle premiums pursuant to section 113B of chapter 175. An insurance company doing business in the commonwealth shall not deny an individual the right to purchase a motor vehicle liability policy based on a violation of this paragraph."

Mr. Hill of Ipswich moves that House Bill 4826 be hereby amended by striking out all after the enacting clause and inserting in place thereof the text set forth in the attached draft:--

Representative Vincent A. Pedone moves that House Bill 4826 be amended by inserting after Section 10 the following section:

“SECTION . Section 8 of Ch. 90 as so appearing is hereby amended by adding the following paragraph. An applicant shall be required to pass a driving test upon every second renewal thereof.”.

Representative Vincent A. Pedone of Worcester moves that House Bill 4826 be amended by inserting after Section 31 the following section:

“SECTION . Section 7AA of Ch. 90 as so appearing is hereby amended in line 4 by striking out the word ‘twelve’ and inserting the word eighteen.”.

| Mr. Donelan of Orange and Ms. Wolf of Cambridge moves that H4826 be amended by striking Section 7 in its entirety and replacing it with the following:

SECTION 7. Said section 8 of said chapter 90, as so appearing, is hereby further amended by striking out lines 45 to 49, inclusive, and inserting in place thereof the following:-

© successfully completed a drivers education and training course approved by the Registrar and presented a certified statement from a parent or guardian or designee over the age of 21 that the applicant has completed one year of operation with a learners permit and has no less than 24 hours of supervised driving time in addition to the requirements of said driver education and training course.

Said driver education and training course shall consist of not less than 30 hours of classroom instruction; provided, that a parent or guardian of an applicant under 18 participate in not less than 4 hours of said 30 hours of classroom instruction. Said driver education and training shall also consist of not less than 16 hours of on road instruction conducted by a certified driver education instructor in a motor vehicle; provided, that no student shall have less than 6 hours of observing another student driver, and no student shall have less than 10 hours of operating a motor vehicle; provided, further, that no student shall have more than 1 on-road session per day and no session shall be for more than 2 hours in length.

Mr. Donelan of Orange moves that H4826 be amended by striking section 6 in its entirety and replacing it with the following:-

Section 6. Said section 8 of said chapter 90, as so appearing, is amended by striking out line 44 and inserting in place thereof the following:-

(b) completed one year of supervised operation on a learners permit

| Mr. Donelan of Orange and Ms. Wolf of Cambridge moves that H4826 be amended by adding at the end thereof the following section;-

SECTION 32. Section 13A of chapter 90 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking the seventh paragraph beginning on line 23 and inserting in place thereof the following: –

Any person who operates a motor vehicle without a safety belt, and any person sixteen years of age or over who rides as a passenger in a motor vehicle without wearing a safety belt in violation of this section, shall be subject to a fine of twenty-five dollars. Any operator of a motor vehicle shall be subject to an additional fine of twenty-five dollars for each person under the age of sixteen and no younger than twelve who is a passenger in said motor vehicle and not wearing a safety belt. The provisions of this section shall be enforced by law enforcement agencies only when an operator of a motor vehicle has been stopped for a violation of the motor vehicle laws or some other offense.

Any person 18 years of age and under who is properly licensed to operate a motor vehicle, operates said motor vehicle without a safety belt shall be subject to a fine of twenty-five dollars. Said operator shall be subject to an additional fine of twenty-five dollars for each person under the age of sixteen and not younger than twelve who is a passenger in said motor vehicle and not wearing a safety belt. The provisions of this section shall be enforced by law enforcement agencies when an operator of a motor vehicle or passenger who rides in the front seat is not wearing a safety belt in violation of motor vehicle laws.

Mr. Kaufman of Lexington moves that H 4826 be amended by striking out section 6 and, further, by striking out section 11.

Mr. Kaufman of Lexington moves that H 4826 be amended in section 3, line 9, by striking out the word "initials."

Mr. Leary of Worcester moves that the bill, H.4826 be amended by striking the following Sections 5, 6, and 11 inclusive.

Mr. Leary of Worcester moves that the bill, H.4826 be amended by striking "Section 6" in its entirety and by striking "Section 11" and inserting in place thereof the following:-
"SECTION 11. Said section 8B of said chapter 90, as so appearing, is hereby amended by striking the word "sixteen", in line one and inserting the following words:- fifteen and one half."

| Mr. Leary of Worcester and Ms. Wolf of Cambridge moves that the bill, H.4826 be amended by striking Section 11 in its entirety and by striking “Section 6” and inserting in place thereof the following:-

“SECTION 6. Said section 8 of said chapter 90, as so appearing, is hereby amended by striking out, in line 44, the figure “16 and one half” and inserting in place thereof the following figure:- 17.”

Mr. Murphy of Lowell moves to amend House, No. 4826 by striking out section 11 and inserting in place thereof the following section:-

"SECTION 11. Section 8B of said chapter 90, as so appearing, is hereby amended by striking out, in line 1, the word "sixteen" and inserting in place thereof the following figure:- 15 1/2."

Mr. Fallon of Malden moves that the bill be amended by adding at the end thereof the following section:

“SECTION 32. Every three years driving education schools are subject to the inspection and certification of their curriculum content and the effectiveness of its instructional materials by the Massachusetts State Police. The Department of Public Safety will promulgate guidelines pursuant to which the Massachusetts State Police will conduct said inspection and certification. Said guidelines are to be in effect before June 30, 2007, with the initial inspection and certification to occur commencing January 1, 2008. In the event the Massachusetts State Police does not certify a driving education school, the school’s license will thereupon be suspended until such time the Registrar of Motor Vehicles conducts an evidentiary finding predicated on compliance with said guideline and thereby either upholding or overruling the Massachusetts State Police’s determination. If the Massachusetts State Police’s determination is upheld, the driving education school can exhaust any and all legal remedies through a court of competent jurisdiction.”

Mr. Fallon of Malden moves that the bill be amended by adding at the end thereof the following section:

“SECTION 33. If a junior operator is cited for non-use of a seatbelt, his or her license shall automatically be suspended for fourteen (14) days in addition to any and all penalties and fees pursuant to Massachusetts General Laws Chapter 90, Section 13A.”

Mr. Sciortino of Medford moves to amend H. 4826 by striking out section 11.

Mr. Sciortino of Medford moves to amend H. 4826 in section 4 by striking the following: “but under 21 years of age”

Mr. Sciortino of Medford moves to amend H. 4826 by striking section 4.

Mr. Sciortino of Medford moves to amend H. 4826 by striking out section 5.

Mr. Sciortino of Medford moves to amend H. 4826 by striking out section 6.

Representative Galvin of Canton moves that the bill be amended in Section 6, line 3, by inserting after the figure “16” the words “and one half years”.

Mr. Kaufman of Lexington moves that H 4826 be amended by striking out section 5 and, further, by striking out section 6, and, further, by striking out section 11.

Representative William C. Galvin of Canton moves that the bill be amended in Section 8, line 7, by inserting after the word “vehicle” the words “for a period of three months after the date of licensure”.

Representative William C. Galvin of Canton moves that the bill be amended by striking out Section 11

Mr. Hill of Ipswich, Mr. Jones of North Reading, Mr. Peterson of Grafton, Ms. Polito of Shrewsbury, Ms. Reinstein of Revere, Mr. Sullivan of Fall River, Mr. Toomey of Cambridge, Mr. Perry of Sandwich, Mr. Evangelides of Holden, Mr. Loscocco of Holliston, Mr. Ayers of Quincy, Mr. Ross of Wrentham, Ms. Pope of Wayland, Mr. Hargraves of Groton and Mr. Frost of Auburn move that House Bill 4826 be hereby amended by striking out all after the enacting clause and inserting in place thereof the text set forth in the attached draft:--

SECTION 1. Section 13D of chapter 71 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, in line 4, the words “the commissioner of education in collaboration with”.

SECTION 2. Said section 13D of said chapter 71, as so appearing, is hereby further amended by inserting after the word “vehicles”, in line 5, the following words:- No school committee, high school or private high school shall employ any person to conduct a driver education course unless such person is certified by the registrar as a driving instructor.

SECTION 3. Said section 8 of said chapter 90, as so appearing, is hereby further amended by striking out lines 45 to 49, inclusive, and inserting in place thereof the following:-

(c) successfully completed a driver education and training course approved by the registrar, when applying for a class D license, a parent or guardian certifies under the

penalties of perjury in the child's application for a road test that in addition to the requirements of said driver education and training course the applicant has completed not less than 30 hours of supervised driving, under conditions including nighttime and inclement weather. A total of 20 hours of supervised driving shall be acceptable to the registrar if the applicant has successfully completed a driver skills development program in a closed off-road course, as licensed by the registrar. Said driver education and training course shall consist of not less than 30 hours of classroom instruction; provided, that a parent or guardian of an applicant under 18 years of age shall participate in not less than 1 hour of said 30 hours of classroom instruction. Said driver education and training shall also consist of not less than 18 hours of on-road instruction conducted by a certified driver education instructor in a motor vehicle; provided, that no student shall have less than 6 hours of observing another student driver, and no student shall have less than 12 hours of operating a motor vehicle; provided, further, that no student shall have more than 1 on-road session per day and no session shall be for more than 2 hours in length

SECTION 4. Section 8 of said chapter 90 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out, in line 48, the words "12 hours of supervised driving" and inserting in place thereof the following words: 30 hours of supervised driving, under conditions including nighttime and inclement weather, or the applicant has completed not less than 20 hours of supervised driving, under conditions including nighttime and inclement weather, along with the completion of an Driver Skills Development Program as approved by the registrar provided said Driver Education and Training Course shall consist of not less than 30 hours of classroom instruction; provided,

that a parent or guardian of an applicant under 18 years of age shall participate in not less than one hour of said 30 hours of classroom instruction. Said Driver Education and Training shall also consist of not less than 18 hours of on-road instruction conducted by a certified driver education instructor in a motor vehicle; provided, that no student shall have less than 6 hours of observing another student driver and no student shall have less than 12 hours of operating a motor vehicle; provided further that no student shall have more than one on-road session per day and no session shall be for more than two hours in length.

SECTION 5. Said Section 8 of Chapter 90 as so appearing is hereby further amended by striking out, in line 63 the figure 30 and inserting in place thereof the following figure:

90. A junior operator whose license is suspended pursuant to this paragraph shall not be eligible for license reinstatement until he also completes a program selected by the registrar that encourages attitudinal changes in young drivers who have committed a violation of one or more motor vehicle laws and until he successfully completes a driving test as required by the registrar. The passenger restriction provided herein shall be tolled during any suspension or revocation of a person's junior operator's license. The registrar may exempt a junior operator from the passenger restriction provided herein if said junior operator is an emancipated minor.

Said Section 8 of Chapter 90 as so appearing is hereby further amended by striking out, in line 64 the figure 60 and inserting in place thereof the following figure: 180. A junior operator whose license is suspended pursuant to this paragraph shall not be eligible for license reinstatement until he also completes a program selected by the registrar that

encourages attitudinal changes in young drivers who have committed a violation of one or more motor vehicle laws and until he successfully completes a driving test as required by the registrar. The passenger restriction provided herein shall be tolled during any suspension or revocation of a person's junior operator's license. The registrar may exempt a junior operator from the passenger restriction provided herein if said junior operator is an emancipated minor.

Said Section 8 of Chapter 90 as so appearing is hereby further amended by striking out, in line 64 the word 90 days and inserting in place thereof the following word: 1 year. A junior operator whose license is suspended pursuant to this paragraph shall not be eligible for license reinstatement until he also completes a program selected by the registrar that encourages attitudinal changes in young drivers who have committed a violation of one or more motor vehicle laws and until he successfully completes a driving test as required by the registrar. The passenger restriction provided herein shall be tolled during any suspension or revocation of a person's junior operator's license. The registrar may exempt a junior operator from the passenger restriction provided herein if said junior operator is an emancipated minor. Provided further the registrar shall send notice of a suspension of a junior operator's license for any violation under this Chapter to the junior operator's parent or guardian.

Provided further, that any violation of the provisions of this Section shall be deemed a primary offense.

SECTION 6. Said Section 8 of Chapter 90 as so appearing is hereby further amended by striking out in lines 79-81, the words: - "only when a junior operator of a motor vehicle

has been lawfully stopped for a violation of the motor vehicle laws for some other offense.”

SECTION 7. Section 20 of said Chapter 90 as so appearing is hereby amended by striking out in line 83 the word “suspended” and inserting in place thereof the following words: “suspended for a period of 90 days for first offense, suspended”.

SECTION 8. No person holding a junior operator’s license shall use a mobile telephone while operating a motor vehicle unless such mobile telephone is being used to summon emergency fire, police or medical assistance for an actual emergency. For the purposes of this section, a “mobile telephone” shall include, but not be limited to, a mobile telephone using cellular, analog, satellite, wireless or digital telephone technology, and capable of sending or receiving telephone communications. The cell phone restriction provided herein shall have the junior operator’s license suspended for a period of 90 days for a first offense, for a period of 180 days for a second offense and for a period of one year for a third or subsequent offense. A junior operator whose license is suspended pursuant to this paragraph shall not be eligible for license reinstatement until he also completes a program selected by the registrar that encourages attitudinal changes in young drivers who have committed a violation of one or more motor vehicle laws and until he successfully completes a driving test as required by the registrar. Provided further the registrar shall send notice of a suspension of a junior operator’s license for any violation under this Chapter to the junior operator’s parent or guardian.

SECTION 9. Said section 8 of said chapter 90, as so appearing, is hereby further amended by inserting after the word “licensee”, in line 125, the following words:- without eyeglasses and.

SECTION 10. Said section 8B of said chapter 90, as so appearing, is hereby further amended by inserting at the end of the second paragraph, at line 45, the following:- The holder of a learner’s permit who violates the time restriction provided herein or who operates a motor vehicle without a duly licensed driver, who is 21 years of age or older, who has at least 1 year of driving experience and who is occupying a seat beside the driver shall be deemed to be operating a motor vehicle without being duly licensed under this chapter and any person under 18 years of age who is convicted of violating this provision shall, in addition to any fine or penalty, have his learner’s permit suspended for 1 year and said person shall be required to reapply for his learner’s permit before he may be issued a license to operate pursuant to section 8.

SECTION 11. Said section 8B of said chapter 90, as so appearing, is hereby further amended by inserting after paragraph 2, at line 45, the following paragraphs:-

No person holding a learner’s permit shall use a mobile telephone while operating a motor vehicle unless such mobile telephone is being used to summon emergency fire, police or medical assistance for an actual emergency. For the purposes of this section, a “mobile telephone” shall include, but not be limited to, a mobile telephone using cellular, analog, satellite, wireless or digital telephone technology, and capable of sending or receiving telephone communications. A violation of this paragraph shall be punished by a

suspension of a learner's permit for a period of 1 year and said person shall be required to reapply for his learner's permit before he may be issued a license to operate a motor vehicle pursuant to section 8. It shall be an affirmative defense for a person holding a learner's permit to provide documentary or other evidence that the mobile telephone call that is the basis of the alleged violation was made for the sole purpose of seeking emergency assistance. A violation of this paragraph shall not be considered a conviction of a moving violation of the motor vehicle laws for the purpose of determining surcharges on motor vehicle premiums pursuant to section 113B of chapter 175. An insurance company doing business in the commonwealth shall not deny an individual the right to purchase a motor vehicle liability policy based on a violation of this paragraph.

For any violation under this chapter by a person holding a learner's permit who is under the age of 18, the violation of which is punishable by a license suspension, the registrar shall send notice of such suspension to the person's parent or guardian.

SECTION 12. Section 20 of said chapter 90, as so appearing, is hereby amended by striking out, in line 11, the words "two hundred dollars" and inserting in place thereof the figure:- \$1,000;

SECTION 13. Said section 20 of said chapter 90, as so appearing, is hereby further amended by inserting after the word "registrar", in line 79, the following words:- provided, however, that a holder of a learner's permit who is convicted of a violation under section 17 or section 17A or 17B, or under a special regulation under section 18 shall, in addition to any other penalty, fine, suspension, revocation or requirement that

may be imposed for such violation, have such learner's permit suspended for 1 year and said person shall be required to reapply for his learner's permit before he may be issued a license to operate a motor vehicle pursuant to section 8;

SECTION 14. Section 24P of said chapter 90, as so appearing, is hereby amended by striking out, in lines 15 and 16, the words "if he consents".

SECTION 15. Said section 24P of said chapter 90, as so appearing, is hereby further amended by striking out, in lines 24 to 26, inclusive, the words "; provided, however, that such suspension shall be for a period of 180 days for such person who was under the age of 18 at the time of such violation"

SECTION 16. Section 32G of said chapter 90, as so appearing, is hereby amended by inserting after the word "person", in line 1, the following:- , including a public high school, vocational school, municipal or regional school committee or private high school teaching driver education to students enrolled in its academic school program or in a school under its authority or as a continuing education program,.

SECTION 17. Said section 32G of said chapter 90, as so appearing, is hereby further amended by inserting, in line 4, after the words "driver school", the second time they appear, the following words:- , which shall include any form of instruction for compensation, for each class of driver license recognized under law.

SECTION 18. Said section 32G of said chapter 90, as so appearing, is hereby further amended by inserting after the first paragraph, at line 27, the following paragraph:-

A public high school, vocational school or municipal or regional school committee that previously provided a driver education instruction program pursuant to section 13D of chapter 71 or who wishes to establish a driver education program pursuant to this section shall be licensed; provided, that only driving instructors certified by the registrar may provide driver education instruction; and provided, further, that a public high school teacher or a vocational school teacher, so certified, shall be exempt from the initial certification fee and each renewal fee, as long as the teacher remains employed by the public high school, vocational school or municipal or regional school committee and provided that said instructor only provides driver education pursuant to his employment as a high school teacher. For the purposes of this section, a private high school that provides driver education instruction to its own students through the school's own academic teachers shall be subject to the same requirements as if such driver education instruction were provided by a public high school, vocational school or school committee, and a private academic teacher providing driver education instruction for a private high school shall be subject to the same requirements as a high school teacher providing driver education instruction on behalf of a public high school, vocational school or municipal or regional school committee; provided, however, that a driver education instructor in a private high school or vocational school shall not be exempt from the initial certification fee or any renewal fee for said certificate.

SECTION 19. Said section 32G of said chapter 90, as so appearing, is hereby further amended by inserting after the word "thereof", in line 65, the following:- or issue a civil administrative penalty.

SECTION 20. Said section 32G of said chapter 90, as so appearing, is hereby further amended by striking out the sixth paragraph, in lines 86 to 89, inclusive, and inserting in place thereof the following new paragraph:-

Notwithstanding the renewal of a license, the registrar may revoke or suspend such license for causes and violations, as prescribed by this section. The registrar shall establish by regulation the terms and conditions under which a driver education program may operate. The registrar shall require each program to post a bond to ensure that enrolled students shall have their tuition reimbursed if the program is closed for a license suspension or revocation or any other reason prior to the students' completion of a paid course of study. The registrar may, after an opportunity for a hearing, impose civil administrative penalties not to exceed \$5,000 for the failure of a program to adhere to the law or regulations governing driver education programs.

SECTION 21. Said section 32G of said chapter 90 as so appearing, is hereby further amended by striking out, in line 107, the words "No person shall be employed by a licensee" and inserting in place thereof the following words:- No person shall be employed by a licensee, a public high school, vocational school or municipal or regional school committee, or a private high school.

SECTION 22. Said section 32G of said chapter 90, as so appearing, is hereby further amended by inserting after the eleventh paragraph, at line 112, the following two paragraphs:-

The registrar may deny the application of any person for a certificate as a driving instructor if, in his discretion, he determines that:-

(a) Such applicant has made a material false statement or concealed a material fact in connection with his application.

(b) Such applicant is the former holder of a driver school instructor certificate which was revoked or suspended by the registrar.

(c) Such applicant has been convicted of a felony, or of any crime involving violence, dishonesty, deceit, indecency, degeneracy or moral turpitude.

(d) Such applicant has failed to furnish satisfactory evidence of good character, reputation and fitness.

No public high school, vocational school or municipal or regional school committee or private high school may continue to employ a driver school or a driving instructor in a driver education program, if the license of the driver education program or the certificate of the instructor has been suspended, revoked or not renewed by the registrar.

SECTION 23. Said section 32G of said chapter 90, as so appearing, is hereby further amended by striking out, in lines 120 and 121, the words “ An instructor whose certificate has been suspended or revoked shall be entitled to a hearing upon his written request therefor” and inserting in place thereof the following:- Except where a refusal to issue or renew the certificate of a driving instructor or a revocation or suspension of said certificate is based solely on a court conviction or convictions, a driving instructor or applicant shall be entitled to a hearing upon his written request therefor. Such hearing shall be held at such time and place as the registrar shall prescribe. A driving instructor or applicant entitled to a hearing shall be given due notice thereof. The sending of a notice

of a hearing by mail to the last known address of an instructor or applicant 10 days prior to the date of the hearing shall be deemed due notice.

SECTION 24. Said section 32G of said chapter 90, as so appearing, is hereby further amended by striking out the fourteenth paragraph, in lines 126 to 128, inclusive, and inserting in place thereof the following paragraph:-

Each licensee, including each public high school, vocational school or municipal or regional school committee and each private high school shall only use a vehicle for road instruction that is equipped with a functional safety belt for each occupant and is equipped with an air bag for the driver. The student driver and every other occupant of the vehicle shall wear the safety belt, in a properly secured manner, whenever the vehicle is in motion.

SECTION 25. Said section 32G of said chapter 90, as so appearing, is hereby further amended by adding the following paragraph:-

The registrar shall create by regulation a driver education curriculum to be used by all persons and entities licensed under the provisions of section 32G and the registrar shall have exclusive authority to oversee the licensing and disciplining of entities and persons required to be licensed under said section. The registrar shall create and administer a standardized written test to students in licensed driver education programs. The test may be administered at registry branch offices or as directed by the registrar after the completion of the classroom portion of the driver education course. The registrar may use the results of such testing to measure the degree of compliance with the curriculum in driver education instruction in the commonwealth. The registrar may utilize

the results of such testing to issue driver education certificates and evaluate the quality of instruction received in the various licensed programs. Such curriculum shall include a requirement that schools licensed under this section shall have the ability to communicate electronically with the registry of motor vehicles by electronic mail to be able to send and receive official records and other communications as the registrar may require. The registrar shall suspend, revoke or otherwise administratively discipline any school or instructor licensed or certified under this section that fails to comply with the rules and regulations promulgated by the registrar. The registrar shall inspect said programs for compliance and require licensed schools and certified instructors to provide such information, documents and records as the registrar deems necessary to enforce the regulations. The registrar may make such rules and regulations as necessary to ensure compliance with the requirements of the curriculum and the requirements of this section.

SECTION 26. Said chapter 90, as so appearing, is hereby further amended by inserting after section 32G the following section:-

Section 32G½. Driver Skills Development Programs; Instruction

Notwithstanding the provisions of section 32G, programs and instructors approved by the registrar to teach driver skills development programs exclusively on an approved off-road course shall not be required to be licensed under said section but shall be required to be licensed herein. Such programs and instructors shall be licensed by the registrar and be in compliance with all laws, rules and regulations applicable to such programs and instructors. The registrar shall make rules and regulations further governing such programs, including the licensing of facilities and qualifications for instructors and vehicles. A person who holds a valid learner's permit or a valid driver's license issued by

the registrar may be enrolled in such programs in the commonwealth. A licensed driver or qualified student driver of any age who is a resident of another state may be enrolled in such programs in the commonwealth if the person has a valid driver's license or learner's permit issued by another state. A program licensed under this section may accept, at its discretion, a driver who is a resident of a state that does not issue a learner's permit document if the program's administrator is satisfied that the student is legally qualified to operate as a student driver on the roadways of his state of residency. Instruction in a driver skills development program shall not be provided to a person under 18 years of age, whether the person holds a learner's permit or a junior operator's license, unless the person's parent or guardian has provided written consent to the program's administrator. No resident of the commonwealth who is under 18 years of age shall be accepted into such program unless the person holds a junior operator's license or a learner's permit, and if a permit, the person shall have completed the on-road portion of a driver education program provided by a school licensed under the provisions of section 32G or by a licensed public school, vocational school, a licensed municipal or regional school committee or a licensed private high school and such program is recognized by the registrar as being substantially equivalent to the driver education program as provided in this state. No person may be credited with the completion of a driver skills development program in the commonwealth unless the program is licensed as meeting standards set by the registrar through rules and regulations and the registrar is satisfied that the student has successfully completed the program as evidenced by a certificate issued by the program. No program or person shall accept compensation or advertise or hold himself out as being licensed to provide instruction in the commonwealth in a driver skills development

program unless the program or person possesses a license for such instruction issued by the registrar and is in good standing. The registrar shall promulgate rules and regulations to implement standards for licensing of driver skills development programs to be conducted on an off-road course approved by the registrar and for qualifications for instructors in such programs and standards for the use of approved off-road courses. All motor vehicles used by such programs shall be equipped with safety belts for both the driver and instructor and no student may operate or ride in a vehicle unless the safety belt system is in place and each person is secured. The registrar shall include provisions for the periodic renewal of licenses of such programs and instructors and the revocation of license or disciplining of such programs and instructors for good cause. The registrar shall assess the same fees for driver skills development programs and for instructors as established for licensed driving schools and instructors certified under section 32G. Such programs shall issue certificates of completion to successful students so that the student may be eligible for any insurance discount that may be authorized by the commissioner of insurance and the parent or guardian of the student may provide the registrar with evidence that the student has completed such program and the registrar shall waive 10 hours of the required 30 hours of parent supervised driving pursuant to section 4. The registrar may suspend, revoke or otherwise administratively discipline any program or instructor licensed under this section that fails to comply with the rules and regulations promulgated by the registrar. The registrar may inspect said programs for compliance and shall require licensed programs and instructors to provide such information, documents and records as the registrar deems necessary to enforce the regulations.

SECTION 27. The registrar, in cooperation with the governor's highway safety bureau, shall develop and implement a public awareness campaign for student drivers and parents which shall include, but not be limited to, information on the requirements to obtain learner's permit or license to operate a motor vehicle under sections 8 or 8B and information on the fines and punishments which may be imposed for violations of chapter 90. “

SECTION 28. Chapter 90 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding after section 2F the following section:--

SECTION 2G.

(a). The registrar shall design and furnish, to holders of a junior operator's license, a decal for application to the rear of a motor vehicle, provided that the decal shall clearly be recognized as identifying a car operated by a junior operator; provided further that the decal shall not be smaller than six inches by six inches; provided further that the registrar shall make all reasonable efforts to ensure that decals may be transferable from vehicle to vehicle, in order to accommodate operators who operate more than one vehicle; and provided further that the decal shall be easily identifiable by other motor vehicle operators and in particular by public safety officers. There shall be a fee of not less than \$1 for such decals in addition to any other established fees for junior operator licensees.

The decal shall be applied, according to guidelines developed by the registrar in consultation with the secretary of public safety, upon the rear of any vehicle under operation by the junior operator, and shall be required to be in use so long as the junior operator is subject to the requirements of a junior operator's license. The registrar shall promulgate any and all regulations required to administer this subsection, including regulations governing the replacement of faulty decals.

(b). The registrar shall design and furnish, to holders of a learner's permit, a decal for application to the rear of a motor vehicle, provided that the decal shall clearly be recognized as identifying a car operated by a holder of a learner's permit; provided further that the decal shall not be smaller than six inches by six inches, provided further that the registrar shall make all reasonable efforts to ensure that decals may be transferable from vehicle to vehicle, in order to accommodate operators who operate more than one vehicle; and provided further that the decal shall be easily identifiable by other motor vehicle operators and in particular by public safety officers. There shall be a fee of not less than \$1 for such decals in addition to any other established fees for learner's permit holders.

The decal shall be applied, according to guidelines developed by the registrar in consultation with the secretary of public safety, upon the rear of any vehicle upon which the operator is registered, and shall be required to remain there, or be replaced in the event of its untimely removal, so long as the junior operator is subject to the requirements of a learner's permit. The registrar shall promulgate

any and all regulations required to administer this subsection, including regulations governing the replacement of faulty decals.

SECTION 29. To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations, and to meet certain requirements of this section, the sums set forth herein are hereby appropriated from the General Fund unless specifically designated otherwise herein, for the several purposes and subject to the conditions specified herein, and subject to the provisions of law regulating the disbursement of public funds for the fiscal year ending June 30, 2006, provided that said sums shall be in addition to any amounts previously appropriated and made available for the purposes of said items.

REGISTRY OF MOTOR VEHICLES

Technology Modernization

8400-xxxx The registry of motor vehicles may expend funds from this item for the purposes of modernizing their computer technology, with the particular aim of assisting the efficient implementation of this act, provided that \$100,000 shall be available for expenditure in fiscal year 2006 and \$500,000 in fiscal year

2007.....\$600,000

SECTION 30. This Act shall take effect on March 31, 2007.

Mr. Hill of Ipswich, Mr. Jones of North Reading, Mr. Peterson of Grafton, Ms. Polito of Shrewsbury, Ms. Reinstein of Revere, Mr. Sullivan of Fall River, Mr. Toomey of Cambridge, Mr. Perry of Sandwich, Mr. Evangelides of Holden, Mr. Loscocco of Holliston, Mr. Ayers of Quincy, Mr. Ross of Wrentham, Ms. Pope of Wayland, Ms. Poirier of North Attleboro, Ms. Coppolla of Foxboro, Ms. Rogeness of Longmeadow, Mr. deMacedo of Plymouth, Mr. Hargraves of Groton and Mr. Frost of Auburn move that House Bill 4826 be hereby amended by striking out all after the enacting clause and inserting in place thereof the text set forth in the attached draft:--

SECTION 1. Section 13D of chapter 71 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, in line 4, the words “the commissioner of education in collaboration with”.

SECTION 2. Said section 13D of said chapter 71, as so appearing, is hereby further amended by inserting after the word “vehicles”, in line 5, the following words:- No school committee, high school or private high school shall employ any person to conduct a driver education course unless such person is certified by the registrar as a driving instructor.

SECTION 3. Said section 8 of said chapter 90, as so appearing, is hereby further amended by striking out lines 45 to 49, inclusive, and inserting in place thereof the following:-

(c) successfully completed a driver education and training course approved by the registrar, when applying for a class D license, a parent or guardian certifies under the penalties of perjury in the child's application for a road test that in addition to the requirements of said driver education and training course the applicant has completed not less than 30 hours of supervised driving, under conditions including nighttime and inclement weather. A total of 20 hours of supervised driving shall be acceptable to the registrar if the applicant has successfully completed a driver skills development program in a closed off-road course, as licensed by the registrar. Said driver education and training course shall consist of not less than 30 hours of classroom instruction; provided, that a parent or guardian of an applicant under 18 years of age shall participate in not less than 1 hour of said 30 hours of classroom instruction. Said driver education and training shall also consist of not less than of 18 hours of on-road instruction conducted by a certified driver education instructor in a motor vehicle; provided, that no student shall have less than 6 hours of observing another student driver, and no student shall have less than 12 hours of operating a motor vehicle; provided, further, that no student shall have more than 1 on-road session per day and no session shall be for more than 2 hours in length

SECTION 4. Section 8 of said chapter 90 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out, in line 48, the words "12 hours of supervised driving" and inserting in place thereof the following words: 30 hours of supervised driving or the applicant has completed not less than 20 hours of supervised driving along with the completion of an Driver Skills Development Program as approved

by the registrar provided said Driver Education and Training Course shall consist of not less than 30 hours of classroom instruction; provided, that a parent or guardian of an applicant under 18 years of age shall participate in not less than one hour of said 30 hours of classroom instruction. Said Driver Education and Training shall also consist of not less than 18 hours of on-road instruction conducted by a certified driver education instructor in a motor vehicle; provided, that no student shall have less than 6 hours of observing another student driver and no student shall have less than 12 hours of operating a motor vehicle; provided further that no student shall have more than one on-road session per day and no session shall be for more than two hours in length.

SECTION 5. Said Section 8 of Chapter 90 as so appearing is hereby further amended by striking out, in line 63 the figure 30 and inserting in place thereof the following figure:

90. A junior operator whose license is suspended pursuant to this paragraph shall not be eligible for license reinstatement until he also completes a program selected by the registrar that encourages attitudinal changes in young drivers who have committed a violation of one or more motor vehicle laws and until he successfully completes a driving test as required by the registrar. The passenger restriction provided herein shall be tolled during any suspension or revocation of a person's junior operator's license. The registrar may exempt a junior operator from the passenger restriction provided herein if said junior operator is an emancipated minor.

Said Section 8 of Chapter 90 as so appearing is hereby further amended by striking out, in line 64 the figure 60 and inserting in place thereof the following figure: 180. A junior operator whose license is suspended pursuant to this paragraph shall not be eligible for

license reinstatement until he also completes a program selected by the registrar that encourages attitudinal changes in young drivers who have committed a violation of one or more motor vehicle laws and until he successfully completes a driving test as required by the registrar. The passenger restriction provided herein shall be tolled during any suspension or revocation of a person's junior operator's license. The registrar may exempt a junior operator from the passenger restriction provided herein if said junior operator is an emancipated minor.

Said Section 8 of Chapter 90 as so appearing is hereby further amended by striking out, in line 64 the word 90 days and inserting in place thereof the following word: 1 year. A junior operator whose license is suspended pursuant to this paragraph shall not be eligible for license reinstatement until he also completes a program selected by the registrar that encourages attitudinal changes in young drivers who have committed a violation of one or more motor vehicle laws and until he successfully completes a driving test as required by the registrar. The passenger restriction provided herein shall be tolled during any suspension or revocation of a person's junior operator's license. The registrar may exempt a junior operator from the passenger restriction provided herein if said junior operator is an emancipated minor. Provided further the registrar shall send notice of a suspension of a junior operator's license for any violation under this Chapter to the junior operator's parent or guardian.

Provided further, that any violation of the provisions of this Section shall be deemed a primary offense.

SECTION 6. Said Section 8 of Chapter 90 as so appearing is hereby further amended by striking out in lines 79-81, the words: - “only when a junior operator of a motor vehicle has been lawfully stopped for a violation of the motor vehicle laws for some other offense.”

SECTION 7. Section 20 of said Chapter 90 as so appearing is hereby amended by striking out in line 83 the word “suspended” and inserting in place thereof the following words: “suspended for a period of 90 days for first offense, suspended”.

SECTION 8. No person holding a junior operator’s license shall use a mobile telephone while operating a motor vehicle unless such mobile telephone is being used to summon emergency fire, police or medical assistance for an actual emergency. For the purposes of this section, a “mobile telephone” shall include, but not be limited to, a mobile telephone using cellular, analog, satellite, wireless or digital telephone technology, and capable of sending or receiving telephone communications. The cell phone restriction provided herein shall have the junior operator’s license suspended for a period of 90 days for a first offense, for a period of 180 days for a second offense and for a period of one year for a third or subsequent offense. A junior operator whose license is suspended pursuant to this paragraph shall not be eligible for license reinstatement until he also completes a program selected by the registrar that encourages attitudinal changes in young drivers who have committed a violation of one or more motor vehicle laws and until he successfully completes a driving test as required by the registrar. Provided further the

registrar shall send notice of a suspension of a junior operator's license for any violation under this Chapter to the junior operator's parent or guardian.

SECTION 9. Said section 8 of said chapter 90, as so appearing, is hereby further amended by inserting after the word "licensee", in line 125, the following words:-
without eyeglasses and.

SECTION 10. Said section 8B of said chapter 90, as so appearing, is hereby further amended by inserting at the end of the second paragraph, at line 45, the following:- The holder of a learner's permit who violates the time restriction provided herein or who operates a motor vehicle without a duly licensed driver, who is 21 years of age or older, who has at least 1 year of driving experience and who is occupying a seat beside the driver shall be deemed to be operating a motor vehicle without being duly licensed under this chapter and any person under 18 years of age who is convicted of violating this provision shall, in addition to any fine or penalty, have his learner's permit suspended for 1 year and said person shall be required to reapply for his learner's permit before he may be issued a license to operate pursuant to section 8.

SECTION 11. Said section 8B of said chapter 90, as so appearing, is hereby further amended by inserting after paragraph 2, at line 45, the following paragraphs:-

No person holding a learner's permit shall use a mobile telephone while operating a motor vehicle unless such mobile telephone is being used to summon emergency fire, police or medical assistance for an actual emergency. For the purposes of this section, a

“mobile telephone” shall include, but not be limited to, a mobile telephone using cellular, analog, satellite, wireless or digital telephone technology, and capable of sending or receiving telephone communications. A violation of this paragraph shall be punished by a suspension of a learner’s permit for a period of 1 year and said person shall be required to reapply for his learner’s permit before he may be issued a license to operate a motor vehicle pursuant to section 8. It shall be an affirmative defense for a person holding a learner’s permit to provide documentary or other evidence that the mobile telephone call that is the basis of the alleged violation was made for the sole purpose of seeking emergency assistance. A violation of this paragraph shall not be considered a conviction of a moving violation of the motor vehicle laws for the purpose of determining surcharges on motor vehicle premiums pursuant to section 113B of chapter 175. An insurance company doing business in the commonwealth shall not deny an individual the right to purchase a motor vehicle liability policy based on a violation of this paragraph.

For any violation under this chapter by a person holding a learner’s permit who is under the age of 18, the violation of which is punishable by a license suspension, the registrar shall send notice of such suspension to the person’s parent or guardian.

SECTION 12. Section 20 of said chapter 90, as so appearing, is hereby amended by striking out, in line 11, the words “two hundred dollars” and inserting in place thereof the figure:- \$1,000;

SECTION 13. Said section 20 of said chapter 90, as so appearing, is hereby further amended by inserting after the word “registrar”, in line 79, the following words:-

provided, however, that a holder of a learner's permit who is convicted of a violation under section 17 or section 17A or 17B, or under a special regulation under section 18 shall, in addition to any other penalty, fine, suspension, revocation or requirement that may be imposed for such violation, have such learner's permit suspended for 1 year and said person shall be required to reapply for his learner's permit before he may be issued a license to operate a motor vehicle pursuant to section 8;

SECTION 14. Section 24P of said chapter 90, as so appearing, is hereby amended by striking out, in lines 15 and 16, the words "if he consents".

SECTION 15. Said section 24P of said chapter 90, as so appearing, is hereby further amended by striking out, in lines 24 to 26, inclusive, the words "; provided, however, that such suspension shall be for a period of 180 days for such person who was under the age of 18 at the time of such violation"

SECTION 16. Section 32G of said chapter 90, as so appearing, is hereby amended by inserting after the word "person", in line 1, the following:- , including a public high school, vocational school, municipal or regional school committee or private high school teaching driver education to students enrolled in its academic school program or in a school under its authority or as a continuing education program,.

SECTION 17. Said section 32G of said chapter 90, as so appearing, is hereby further amended by inserting, in line 4, after the words "driver school", the second time they appear, the following words:- , which shall include any form of instruction for compensation, for each class of driver license recognized under law.

SECTION 18. Said section 32G of said chapter 90, as so appearing, is hereby further amended by inserting after the first paragraph, at line 27, the following paragraph:-

A public high school, vocational school or municipal or regional school committee that previously provided a driver education instruction program pursuant to section 13D of chapter 71 or who wishes to establish a driver education program pursuant to this section shall be licensed; provided, that only driving instructors certified by the registrar may provide driver education instruction; and provided, further, that a public high school teacher or a vocational school teacher, so certified, shall be exempt from the initial certification fee and each renewal fee, as long as the teacher remains employed by the public high school, vocational school or municipal or regional school committee and provided that said instructor only provides driver education pursuant to his employment as a high school teacher. For the purposes of this section, a private high school that provides driver education instruction to its own students through the school's own academic teachers shall be subject to the same requirements as if such driver education instruction were provided by a public high school, vocational school or school committee, and a private academic teacher providing driver education instruction for a private high school shall be subject to the same requirements as a high school teacher providing driver education instruction on behalf of a public high school, vocational school or municipal or regional school committee; provided, however, that a driver education instructor in a private high school or vocational school shall not be exempt from the initial certification fee or any renewal fee for said certificate.

SECTION 19. Said section 32G of said chapter 90, as so appearing, is hereby further amended by inserting after the word “thereof”, in line 65, the following:- or issue a civil administrative penalty.

SECTION 20. Said section 32G of said chapter 90, as so appearing, is hereby further amended by striking out the sixth paragraph, in lines 86 to 89, inclusive, and inserting in place thereof the following new paragraph:-

Notwithstanding the renewal of a license, the registrar may revoke or suspend such license for causes and violations, as prescribed by this section. The registrar shall establish by regulation the terms and conditions under which a driver education program may operate. The registrar shall require each program to post a bond to ensure that enrolled students shall have their tuition reimbursed if the program is closed for a license suspension or revocation or any other reason prior to the students’ completion of a paid course of study. The registrar may, after an opportunity for a hearing, impose civil administrative penalties not to exceed \$5,000 for the failure of a program to adhere to the law or regulations governing driver education programs.

SECTION 21. Said section 32G of said chapter 90 as so appearing, is hereby further amended by striking out, in line 107, the words “No person shall be employed by a licensee” and inserting in place thereof the following words:- No person shall be employed by a licensee, a public high school, vocational school or municipal or regional school committee, or a private high school.

SECTION 22. Said section 32G of said chapter 90, as so appearing, is hereby further amended by inserting after the eleventh paragraph, at line 112, the following two paragraphs:-

The registrar may deny the application of any person for a certificate as a driving instructor if, in his discretion, he determines that:-

(a) Such applicant has made a material false statement or concealed a material fact in connection with his application.

(b) Such applicant is the former holder of a driver school instructor certificate which was revoked or suspended by the registrar.

(c) Such applicant has been convicted of a felony, or of any crime involving violence, dishonesty, deceit, indecency, degeneracy or moral turpitude.

(d) Such applicant has failed to furnish satisfactory evidence of good character, reputation and fitness.

No public high school, vocational school or municipal or regional school committee or private high school may continue to employ a driver school or a driving instructor in a driver education program, if the license of the driver education program or the certificate of the instructor has been suspended, revoked or not renewed by the registrar.

SECTION 23. Said section 32G of said chapter 90, as so appearing, is hereby further amended by striking out, in lines 120 and 121, the words “ An instructor whose certificate has been suspended or revoked shall be entitled to a hearing upon his written request therefor” and inserting in place thereof the following:- Except where a refusal to

issue or renew the certificate of a driving instructor or a revocation or suspension of said certificate is based solely on a court conviction or convictions, a driving instructor or applicant shall be entitled to a hearing upon his written request therefor. Such hearing shall be held at such time and place as the registrar shall prescribe. A driving instructor or applicant entitled to a hearing shall be given due notice thereof. The sending of a notice of a hearing by mail to the last known address of an instructor or applicant 10 days prior to the date of the hearing shall be deemed due notice.

SECTION 24. Said section 32G of said chapter 90, as so appearing, is hereby further amended by striking out the fourteenth paragraph, in lines 126 to 128, inclusive, and inserting in place thereof the following paragraph:-

Each licensee, including each public high school, vocational school or municipal or regional school committee and each private high school shall only use a vehicle for road instruction that is equipped with a functional safety belt for each occupant and is equipped with an air bag for the driver. The student driver and every other occupant of the vehicle shall wear the safety belt, in a properly secured manner, whenever the vehicle is in motion.

SECTION 25. Said section 32G of said chapter 90, as so appearing, is hereby further amended by adding the following paragraph:-

The registrar shall create by regulation a driver education curriculum to be used by all persons and entities licensed under the provisions of section 32G and the registrar shall have exclusive authority to oversee the licensing and disciplining of entities and persons required to be licensed under said section. The registrar shall create and

administer a standardized written test to students in licensed driver education programs. The test may be administered at registry branch offices or as directed by the registrar after the completion of the classroom portion of the driver education course. The registrar may use the results of such testing to measure the degree of compliance with the curriculum in driver education instruction in the commonwealth. The registrar may utilize the results of such testing to issue driver education certificates and evaluate the quality of instruction received in the various licensed programs. Such curriculum shall include a requirement that schools licensed under this section shall have the ability to communicate electronically with the registry of motor vehicles by electronic mail to be able to send and receive official records and other communications as the registrar may require. The registrar shall suspend, revoke or otherwise administratively discipline any school or instructor licensed or certified under this section that fails to comply with the rules and regulations promulgated by the registrar. The registrar shall inspect said programs for compliance and require licensed schools and certified instructors to provide such information, documents and records as the registrar deems necessary to enforce the regulations. The registrar may make such rules and regulations as necessary to ensure compliance with the requirements of the curriculum and the requirements of this section.

SECTION 26. Said chapter 90, as so appearing, is hereby further amended by inserting after section 32G the following section:-

Section 32G½. Driver Skills Development Programs; Instruction

Notwithstanding the provisions of section 32G, programs and instructors approved by the registrar to teach driver skills development programs exclusively on an approved off-road course shall not be required to be licensed under said section but shall

be required to be licensed herein. Such programs and instructors shall be licensed by the registrar and be in compliance with all laws, rules and regulations applicable to such programs and instructors. The registrar shall make rules and regulations further governing such programs, including the licensing of facilities and qualifications for instructors and vehicles. A person who holds a valid learner's permit or a valid driver's license issued by the registrar may be enrolled in such programs in the commonwealth. A licensed driver or qualified student driver of any age who is a resident of another state may be enrolled in such programs in the commonwealth if the person has a valid driver's license or learner's permit issued by another state. A program licensed under this section may accept, at its discretion, a driver who is a resident of a state that does not issue a learner's permit document if the program's administrator is satisfied that the student is legally qualified to operate as a student driver on the roadways of his state of residency. Instruction in a driver skills development program shall not be provided to a person under 18 years of age, whether the person holds a learner's permit or a junior operator's license, unless the person's parent or guardian has provided written consent to the program's administrator. No resident of the commonwealth who is under 18 years of age shall be accepted into such program unless the person holds a junior operator's license or a learner's permit, and if a permit, the person shall have completed the on-road portion of a driver education program provided by a school licensed under the provisions of section 32G or by a licensed public school, vocational school, a licensed municipal or regional school committee or a licensed private high school and such program is recognized by the registrar as being substantially equivalent to the driver education program as provided in this state. No person may be credited with the completion of a driver skills development

program in the commonwealth unless the program is licensed as meeting standards set by the registrar through rules and regulations and the registrar is satisfied that the student has successfully completed the program as evidenced by a certificate issued by the program.

No program or person shall accept compensation or advertise or hold himself out as being licensed to provide instruction in the commonwealth in a driver skills development

program unless the program or person possesses a license for such instruction issued by the registrar and is in good standing. The registrar shall promulgate rules and regulations

to implement standards for licensing of driver skills development programs to be

conducted on an off-road course approved by the registrar and for qualifications for

instructors in such programs and standards for the use of approved off-road courses. All

motor vehicles used by such programs shall be equipped with safety belts for both the

driver and instructor and no student may operate or ride in a vehicle unless the safety belt

system is in place and each person is secured. The registrar shall include provisions for

the periodic renewal of licenses of such programs and instructors and the revocation of

license or disciplining of such programs and instructors for good cause. The registrar

shall assess the same fees for driver skills development programs and for instructors as

established for licensed driving schools and instructors certified under section 32G. Such

programs shall issue certificates of completion to successful students so that the student

may be eligible for any insurance discount that may be authorized by the commissioner

of insurance and the parent or guardian of the student may provide the registrar with

evidence that the student has completed such program and the registrar shall waive 10

hours of the required 30 hours of parent supervised driving pursuant to section 4. The

registrar may suspend, revoke or otherwise administratively discipline any program or

instructor licensed under this section that fails to comply with the rules and regulations promulgated by the registrar. The registrar may inspect said programs for compliance and shall require licensed programs and instructors to provide such information, documents and records as the registrar deems necessary to enforce the regulations.

SECTION 27. The registrar, in cooperation with the governor's highway safety bureau, shall develop and implement a public awareness campaign for student drivers and parents which shall include, but not be limited to, information on the requirements to obtain learner's permit or license to operate a motor vehicle under sections 8 or 8B and information on the fines and punishments which may be imposed for violations of chapter 90. “

SECTION 28. Chapter 90 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding after section 2F the following section:--

SECTION 2G.

(a). The registrar shall design and furnish, to holders of a junior operator's license, a decal for application to the rear of a motor vehicle, provided that the decal shall clearly be recognized as identifying a car operated by a junior operator; provided further that the decal shall not be smaller than six inches by six inches; provided further that the registrar shall make all reasonable efforts to ensure that decals may be transferable from vehicle to vehicle, in order to accommodate operators who operate more than one vehicle; and provided further

that the decal shall be easily identifiable by other motor vehicle operators and in particular by public safety officers. There shall be a fee of not less than \$1 for such decals in addition to any other established fees for junior operator licensees.

The decal shall be applied, according to guidelines developed by the registrar in consultation with the secretary of public safety, upon the rear of any vehicle under operation by the junior operator, and shall be required to be in use so long as the junior operator is subject to the requirements of a junior operator's license. The registrar shall promulgate any and all regulations required to administer this subsection, including regulations governing the replacement of faulty decals.

(b). The registrar shall design and furnish, to holders of a learner's permit, a decal for application to the rear of a motor vehicle, provided that the decal shall clearly be recognized as identifying a car operated by a holder of a learner's permit; provided further that the decal shall not be smaller than six inches by six inches, provided further that the registrar shall make all reasonable efforts to ensure that decals may be transferable from vehicle to vehicle, in order to accommodate operators who operate more than one vehicle; and provided further that the decal shall be easily identifiable by other motor vehicle operators and in particular by public safety officers. There shall be a fee of not less than \$1 for such decals in addition to any other established fees for learner's permit holders.

The decal shall be applied, according to guidelines developed by the registrar in consultation with the secretary of public safety, upon the rear of any vehicle upon which the operator is registered, and shall be required to remain there, or be replaced in the event of its untimely removal, so long as the junior operator is subject to the requirements of a learner's permit. The registrar shall promulgate any and all regulations required to administer this subsection, including regulations governing the replacement of faulty decals.

SECTION 29. This Act shall take effect on March 31, 2007.

Representative Cabral of New Bedford moves that the bill be amended by striking sections 5, 6 & 11 and by adding at the end the following:

“SECTION __ Chapter 90 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting the following new section:

Section 8 1/2

(a) The Registry of Motor Vehicles may issue a learner's permit or junior operator's license to a minor younger than eighteen (18) years of age if, at the time of application, the minor:

- (1) Has received a high school diploma, a high school equivalency diploma or a certificate of attendance;
- (2) Is enrolled in a public or private school and satisfies relevant attendance requirements;
- (3) Is enrolled in a study course in preparation for a test of general educational development and satisfies relevant attendance requirements;
- (4) Is enrolled in a home education program and satisfies the requirements of rules of the state board of education and any local requirements for such programs; provided that students shall be in compliance with the requirements and have been enrolled in the home education program for at least one (1) school year prior to verification of the attendance request, unless documentation of meeting the requirements of this section in the school year contiguous to enrollment in the home education program can be provided;
- (5) Is enrolled in an accredited college or university;
- (6) Is enrolled in a postsecondary vocational program or a postsecondary adult vocational program and satisfies the relevant attendance requirements;
- (7) Is enrolled in a job training program pursuant to state or federal law and satisfying relevant attendance requirements; or
- (8) Is enrolled in other educational activities approved by the school committee of the school district and satisfies the relevant attendance requirements.

(b)(1) An applicant for a learner's permit or junior operator's license who is under the age of eighteen (18) shall provide written verification of compliance with the requirements of subsection (a) of this section. The necessary verification shall be obtained from the school district. If the applicant is enrolled in or has graduated from a private high school, the verification shall be obtained by the applicant from the governing body of the private school. A school district or private school shall not refuse to provide written verification of compliance with the requirements of this section to the registry.

(2) Schools may implement interventions designed to improve student attendance with their district policies and procedures.

(3) When applying for a learner's permit or junior operator's license, an applicant under age eighteen (18) must provide written verification to the registry of compliance with the requirements of subsection (a) of this section or receipt of a waiver there from, pursuant to subsection (c) of this section. Written verification shall be obtained from the applicant's school or the registry as applicable. The applicant's school shall not refuse to

provide written verification of compliance with the requirements of this section to the registry.

(c)(1) A superintendent of a public school, or the superintendent's designee, or the designee of the governing body of a private school shall provide written notification to the registry, with a copy to the minor and the minor's parent, guardian or custodian, of the school district's or private school's intent to request that the registry suspend the minor's driving privileges because the minor has failed to comply with the requirements of subsection (a) of this section.

(2) The registry shall provide written notification to a minor who holds a valid learner's permit or junior operating license for whom the registry has received notice pursuant to subsection (c)(1) of the registry's suspension of the minor's permit or license.

(3) The minor or the parent, guardian or custodian of the minor shall have fifteen (15) calendar days from the date of receipt of the notice described in subsection (c)(1), if the minor does not hold a learner's permit or junior operator's license at the time of his receipt of the notice contained in subsection (c)(1), or fifteen (15) calendar days from the date of the receipt of the notice described in subsection (c)(2), if the minor holds a learner's permit or junior operator's license at the time of his receipt of the notice contained in subsection (c)(2), to request a hearing before the registry for the purpose of reviewing the suspension. The hearing shall be conducted within thirty (30) calendar days after the registry receives the request for said hearing.

(3) The registry shall waive the requirements of subsection (a) of this section for any minor for whom a personal or family hardship requires that the minor have a driver's license for his or her own or his or her family's employment or medical care. The registry shall take into account the recommendations of the minor's superintendent, principal, teachers, other school officials, guidance counselors or academic advisors prior to granting a waiver to the requirements of subsection (a) of this section.

(4) The hardship waiver provided in paragraph (3) of this subsection shall be requested, if desired by the minor or the minor's parent, guardian or custodian at the initial hearing.

(d) Upon receiving written verification that the reinstatement fees have been paid and the minor is again in compliance with the requirements of subsection (a) of this section, the registry shall reinstate the minor's privilege to drive. Thereafter, if the school district determines that the minor is not in compliance with the requirements of subsection (a), the registry shall suspend the minor's driving privilege until the minor is eighteen (18) years old or otherwise satisfies the requirements of subsection (a) of this section, whichever occurs first.

Mr. Moran of Boston moves that House bill 4826 be amended by inserting after section 8 the following section:-

Section XX. Said section 8 of said chapter 90, as so appearing, is hereby further amended by inserting after the fifth paragraph, at line 83, the following paragraph:-

No person shall be issued a junior operator's license under this section until there is filed with the registrar a written form of specific permission signed by a parent or guardian stating that the person is responsible and capable to operate a motor vehicle. The parent or guardian may revoke the written form of specific permission at any time prior to the person attaining the age of 18 years. Upon such revocation, the registrar shall revoke said junior operator's license immediately.

and by inserting after section 11 the following section:-

SECTION XX. Said section 8B of said chapter 90, as so appearing, is hereby further amended by inserting in paragraph 1, after the second sentence, the following:-

No person under 18 years of age shall be issued a learner's permit under this section until there is filed with the registrar a written form of specific permission signed by a parent or guardian stating that the person is responsible and capable to operate a motor vehicle. The parent or guardian may revoke the written form of specific permission at any time prior to the person attaining the age of 18 years. Upon such revocation, the registrar shall revoke said learner's permit immediately.

Representatives Robert M. Koczera of New Bedford, Alice H. Peisch of Wellesley, W.M. Smitty Pignatelli of Lenox move that House Bill 4826 be amended by inserting after Section 6 the following,

“SECTION 6A. Applicant for junior operator’s license must present a school enrollment form or proof of a high school diploma, or certificate of attendance or GED certificate, otherwise such applicant will not be eligible for a junior operator’s license until the age of eighteen.”

Mr. Wagner of Chicopee moves that House bill 4826 be amended in section 13 by striking out the words “license suspension”, in line 28, and inserting in place thereof the following words:- suspension of the learner’s permit.

Mr. Wagner of Chicopee moves that House bill 4826 be amended in section 21 by striking out, in line 27, the words “or vocational school”.

REPRESENTATIVE HADDAD of SOMERSET moves that House Bill 4826 be amended by adding the following section:

Section (1). Section 8 of Chapter 90 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding after the paragraph after line 81 the following:

A person holding a junior operator's license who operates a motor vehicle or is a passenger in a motor vehicle without a seat belt shall be subject to a fine of twenty-five dollars. This provision shall be enforced by law enforcement agencies and the operator may be stopped even if there is no other violation of motor vehicle laws or any other offense.

Mr. Wagner of Chicopee moves that House bill 4826 be amended by striking out section 31 and inserting in place thereof the following:-

SECTION 31. The provisions of section 4 of this act shall apply to persons who apply for license to operate a motor vehicle under the provisions of the first paragraph of section 8 of chapter 90 of the General Laws on or after March 31, 2007. The provisions of sections 5, 6, and 7 of this act shall apply to persons who apply for a junior operator's license under the provisions of said section 8 of said chapter 90 on or after March 31, 2007. The provisions of sections 8, 9, 12, 13, 14, 15, 16, 17 and 18 of this act shall apply to violations committed on or after March 31, 2007. The provisions of section 11 of this act shall apply to persons who apply for a learner's permit under the provisions of section 8B of chapter 90 of the General Laws on or after March 31, 2007. All other provisions shall take effect upon the effective date of this act.

Representative Ross of Wrentham moves that House Bill 4826 be amended by striking out section 5, section 6 and section 11, in their entirety.

Mr. Jones of North Reading moves that House Bill 4826 be amended in line 6, at the end of the first sentence of section 28, by inserting after the words “under said section” the following words:--

“, provided that said driver education curriculum shall include a classroom program consisting of attitudinal based training in order to promote positive and safe decision making among junior operators.”

Mrs. Walrath of Stow moves that H-4826 be amended in Section 4 by adding the following:

-All road tests include a uniform set of elements as determined by the Registry of Motor Vehicles (Example: three point turns, parallel parking, hand signals, etc.)

-Performance of each element be rated by the person administering the road test with an appropriate numerical score associated with each rating. (Example: Fail=0, Fair=1, Good=2, Outstanding=3).

-Those taking the road test receive a numerical road test score; the road test score shall be the sum of the scores received for each of the elements of the test.

-A minimum passing score be determined by the Registry of Motor Vehicles.

-An individual's road test score shall determine whether or not he or she passes the road test and receives a driver's license.

Mr. LeDuc of Marlborough moves that House Bill 4826 be amended by increasing the penalties for violating curfew.

Mr. LeDuc of Marlborough moves that House Bill 4826 be amended by adding language requiring Advanced Driver Training for Junior Operators who commit moving violations.

Mr. Fagan of Taunton moves that the bill, H. 4826 be amended by striking "Section 6" and by striking "Section 11" inclusive.

Mr. Fagan of Taunton moves that the bill be amended in Section 6, line 3, by inserting after the figure "16" the words "and one half years exempting those born before January 1, 1991."

Mr. Fagan of Taunton moves that the bill be amended in Section 11, line 3, by inserting after the word "sixteen" the words "exempting those born before January 1, 1991."

Mr. Loscocco of Holliston moves that House Bill 4826 be amended by striking section 6 in its entirety.

Mr. Loscocco of Holliston moves that House Bill 4826 be amended in section 7, in line 9, by striking out the words “50” and inserting in place thereof the following words: — “40”.

Mr. Loscocco of Holliston moves that House Bill 4826 be amended in Section 8, by inserting after the word “operator,” in line 7, the following: - “or an immediate family member of the operator”.

Mr. Loscocco of Holliston moves that House Bill 4826 be amended by striking section 11 in its entirety.

Mr. Loscocco of Holliston moves that House Bill 4826 be amended by striking section 5 in its entirety

REPRESENTATIVES PEISCH of WELLESLEY, FRESOLO of WORCESTER, GUYER of DALTON, SPILIOTIS of PEABODY, KOCZERA of NEW BEDFORD, KULIK of WORTHINGTON, ELDRIDGE of ACTON, GRANT of BEVERLY, ATKINS of CONCORD, L'ITALIEN of ANDOVER, GOBI of SPENCER, and PAULSEN of BELMONT and Blumer of Framingham move that the bill be amended in section 7, in line 20, by inserting the following: "provided, that said 21 hours of on-road instruction be conducted in varied settings and conditions including, but not limited to, highway, inclement weather, and darkness."

REPRESENTATIVES PEISCH of WELLESLEY, FRESOLO of WORCESTER, GUYER of DALTON, SPILIOTIS of PEABODY, KOCZERA of NEW BEDFORD, KULIK of WORTHINGTON, ELDRIDGE of ACTON, GRANT of BEVERLY, ATKINS of CONCORD, L'ITALIEN of ANDOVER, GOBI of SPENCER, and PAULSEN of BELMONT and Blumer of Framingham move that the bill be amended by adding the following section:

SECTION XX. Said Chapter 90, as so appearing, is hereby further amended by inserting after section 32G the following section:--

Section 32G½. Examinations and Driving Tests; Minimum Requirements

The registrar shall develop standards for all examinations and driving tests and shall require, at a minimum, that the individual being tested demonstrate his ability to perform standard driving tasks including, but not limited to, changing lanes, turning, and reversing.

REPRESENTATIVES PEISCH of WELLESLEY, FRESOLO of WORCESTER, GUYER of DALTON, SPILIOTIS of PEABODY, KOCZERA of NEW BEDFORD, KULIK of WORTHINGTON, ELDRIDGE of ACTON, GRANT of BEVERLY, ATKINS of CONCORD, SCIORTINO of SOMERVILLE, and L'ITALIEN of ANDOVER move that the bill be amended in section 8, in line 7, by inserting after the word "operator" the following: "or an immediate family member of the operator".

REPRESENTATIVES PEISCH of WELLESLEY, FRESOLO of WORCESTER, GUYER of DALTON, SPILIOTIS of PEABODY, KOCZERA of NEW BEDFORD, KULIK of WORTHINGTON, ELDRIDGE of ACTON, GRANT of BEVERLY, ATKINS of CONCORD, L'ITALIEN of ANDOVER, SMIZIK of BROOKLINE, GOBI of SPENCER, and PAULSEN of BELMONT move that the bill be amended by striking out sections 5, 6, and 11.

REPRESENTATIVE PEISCH of WELLESLEY moves that the bill be amended in section 7, in line 15, by striking out the following words: “provided, that a parent or guardian of an applicant under 18 years of age shall participate in not less than 4 hours of said 30 hours of classroom instruction.”

REPRESENTATIVES PEISCH of WELLESLEY, FRESOLO of WORCESTER, GUYER of DALTON, SPILIOTIS of PEABODY, KOCZERA of NEW BEDFORD, KULIK of WORTHINGTON, ELDRIDGE of ACTON, GRANT of BEVERLY, and ATKINS of CONCORD move that the bill be amended in section 8, in line 6, by inserting after the word “vehicle” the following: “during the first six months of licensure”.

REPRESENTATIVES PEISCH of WELLESLEY, FRESOLO of WORCESTER, GUYER of DALTON, SPILIOTIS of PEABODY, KOCZERA of NEW BEDFORD, KULIK of WORTHINGTON, ELDRIDGE of ACTON, GRANT of BEVERLY, ATKINS of CONCORD, L'ITALIEN of ANDOVER, GOBI of SPENCER, and
| PAULSEN of BELMONT and Blumer of Framingham move that the bill be amended in section 7, in line 13, by inserting after the word "registrar" the following: "provided, that said supervised driving be conducted in varied settings and conditions including, but not limited to, highway, inclement weather, and darkness."

Mrs. Walrath of Stow moves that H-4826 be amended in Section 4 by adding the following:

“After failing one’s first road test, the minimum wait time required before taking a second road test is 30 days. After failing two or more road tests, the minimum wait time required before taking a subsequent road test is 60 days.”

**AMENDMENT NO. 62 FILED: 5/30/2006 4:42:14
PM FOR H. 4826**

Representative Quinn of Dartmouth moves that House bill 4826 be amended in Section 3 in line 10 by adding at the end thereof the following: "'Junior restricted operator's license', a license provided by the registry of motor vehicles for junior drivers to operate a vehicle on the most direct route possible to and from their place of employment, school in which the operator is enrolled, or both. All penalties and provisions provided for a junior operator's license shall be applicable to a junior restricted operator's license."

And that the bill be further amended by adding a new section: "Section 4A. Provided further, that a junior restricted operator's license shall be issued by the registry of motor vehicles to any operator who has completed all requirements under section 7 and provides notarized documentation of place and address of employment, school in which the operator is enrolled, or both."

And that the bill be further amended in Section 5 in line 3 by adding at the end thereof the following: "provided further, that this provision is not applicable to drivers operating under a junior restricted operator's license."

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Representative Murphy of Burlington moves that the bill be amended in section 8, in line 12, by inserting after the figure "1" the following "after the junior operators' second offense".

Representative Murphy of Burlington moves that the bill be amended in section 8, in line 56, by inserting after the figure "1" the following "after the junior operators' second offense".

Representative Murphy of Burlington moves that the bill be amended in section 8, in line 39, by inserting after the figure "1" the following "after the junior operators' second offense".